

In re Appln. of Clyde R. Schulte  
Application No. 10/694,293

### REMARKS

Reconsideration of the application is respectfully requested. An Office action dated May 19, 2005 is presently pending in the application. Claims 1, 8, 12-13, and 19 have been amended; Claims 22-24 have been cancelled, and Claims 25-27 have been added; therefore, Claims 1-21 and 25-27 are pending in the application.

### The Objections to the Claims

Claims 1-21 were objected to because of claimed uncertainties. Specifically, the use of "may be" in Claim 1 was considered to not be positively claimed. Applicant has amended Claim 1 to more positively claim the features in that claim. Applicant has also addressed the description in the last four lines of claim, which was stated to be unclear. In addition, Claims 12 and 13 have been amended to address the latch arrangement and to more particularly point out the invention in those claims.

### The Rejections Based Upon Prior Art

A number of the claims of the application were rejected as being anticipated by U.S. Patent Number 6,606,987 to DeMars, or as being obvious in view of a combination of *DeMars* and U.S. Patent Number 6,792,935 to Williams et al. These rejections are respectfully traversed.

*DeMars* is directed to a cooking apparatus having various arrangements. In the arrangement cited in the Office action, wheels are positioned at the bottom ends of legs, and fold inward or outward with the legs. This is in contrast to Claim 1, in which wheels are folded outward from a firebox when the legs are folded inward. For at least this reason, the rejections with respect to *DeMars* should be withdrawn.

*Williams* is cited as disclosing the handle features of Claims 5-6 and 16-17. At the outset, with respect to Claims 5 and 6, neither *Williams* nor *DeMars* discloses a handle connected to a base for leading a grill on fold out wheels such as is defined in the base Claim 1 and claims intermediate

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to Claims 1 and 5-6 and 16-17. For at least this reason, the handle disclosed in *Williams* does not meet the requirements of Claims 5 and 6.

Claims 9, 10, and 20-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *DeMars* in view of U.S. Patent Number 3,297,016 to Rhodes. This rejection is respectfully traversed.

At the outset, neither *Rhodes* nor *DeMars* discloses the fold out legs and fold out wheels configuration as set forth in Claim 1, upon which the rejected claims depend. Moreover, the locking feature of Claims 8 and 18 is not disclosed, because movement of the fold out wheels in the base claim for these dependant claims is not disclosed. In addition, the spring biased latch of Claims 9, 10, and 20-22 is not made obvious by *Rhodes* or a combination of *Rhodes* and *DeMars*, at least for the reason that the references do not disclose the fold out wheels movement and arrangement set forth in the claims, and thus a locking mechanism for limiting this movement would not be obvious. For at least these reasons, the rejections of these claims should also be withdrawn.

For the sake of clarity, the independent claims and some of the dependent claims of the application are discussed in this Amendment. Applicants submit that the independent claims are allowable, and therefore the dependent claims are allowable at least because they are dependent upon allowed claims. Nevertheless, Applicants submit that the other dependent claims further define subject matter not shown or made obvious by the prior art.

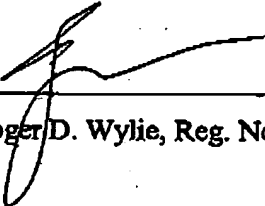
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**CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1-21 and 25-27 define patentable subject matter, and that the application is in good and proper condition for allowance. Such action is respectfully solicited.

If the foregoing does not result in a Notice of Allowance in the application, Applicants earnestly solicit the Examiner to call the undersigned at 206-521-5984.

Respectfully submitted,



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